

01-21-04 image RCE/1600

PTO/SB/30 (10-01)
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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to:
Commissioner for Patents
Box RCE
Washington, DC 20231

Application Number	09/658,283
Filing Date	09/08/00
First Named Inventor	Turner
Art Unit	1646
Examiner Name	J. F. Murphy
Attorney Docket Number	LEX-0041-USA

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114**

a. ☐ Previously submitted

i. ☐ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).

ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

iii. ☐ Other _____

b. ☒ Enclosed

i. ☒ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/Declaration(s)

iv. ☒ Other Return postcard, fee transmittal

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17 (i) required)

b. ☐ Other _____

3. **Fees** The RCE fee under 37 CFR 1.17 (e) is required by 37 CFR 1.114 when the RCE is filed.

a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-0892

i. ☒ RCE fee required under 37 CFR 1.17 (e) 01/22/2004 SSESHE1 00000087 500892 09658283

ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17) 01 FC:2801 385.00 DA

iii. ☐ Other _____

b. ☐ Check in the amount of \$ _____ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Lance K. Ishimoto	Registration No. (Attorney/Agent)	41,866
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Signature	<i>Lance K. Ishimoto</i>	Date	January 20, 2004
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CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as express mail, EV232149613US, in an envelope addressed to: Commissioner For Patents, Box RCE, P.O. Box 1450, Alexandria, VA 22313, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Nancy Stacey
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Signature	<i>Nancy Stacey</i>	Date	January 20, 2004
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Customer # 24231

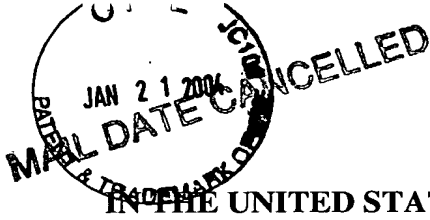
FEE TRANSMITTAL
for FY 2004

1. BASIC FILING FEE					
Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE				
		Extra Claims	Fee from below	Fee Paid
Total Claims	<input type="text"/>	-20**= <input type="text"/>	X <input type="text"/>	= <input type="text"/>
Independent Claims	<input type="text"/>	-3**= <input type="text"/>	X <input type="text"/>	= <input type="text"/>
Multiple Dependent			<input type="text"/>	= <input type="text"/>
Large Entity	Small Entity			
Fee Code	Fee (\$)	Fee Code	Fee (\$)	<u>Fee Description</u>
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	**Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)				(\$) <input type="text"/>

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Turner *et al.*

Group Art Unit: 1646

Application No.: 09/658,283

Examiner: J.F. Murphy

Filed: 09/08/00

Title: Novel Human 7TM Proteins and Polynucleotides Encoding the Same
Att Docket No.: LEX-0041-USA

REQUEST FOR CONTINUED EXAMINATION UNDER 37 C.F.R. § 1.114
AMENDMENT AND RESPONSE

Mail Stop RCE
Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

The Applicants acknowledge the receipt of the Notification of Non-compliance mailed on December 17, 2003, regarding Applicants' Appeal Brief filed on September 2, 2003 that was deemed to be defective for failure to comply with one or more provisions of 37 CFR §1.192(c). The reason the Brief was deemed defective is stated as "The Brief includes newly presented references to serve as evidence. New evidence must be submitted in a paper separate from the appeal brief, see MPEP 1207. Applicant is advised that affidavits, or exhibits submitted after the case has been appealed will not be admitted without a showing of good and sufficient reasons why they were not earlier presented."

Applicants believe that consideration of the contested evidence is critical to proper and accurate examination, thus in order to more rapidly advance this application towards allowance Applicants hereby respectfully request continued examination of application Serial No: 09/658,283 and submit the following amendments and evidence and respectfully request reconsideration of the application in view of these submissions and remarks.

Applicants' response to the Notification of Non-Compliance is due on January 17, 2004, which falls on a Saturday and is followed by a Monday holiday and is thus extended to Tuesday, January 20, 2004. This response is thus timely submitted.

Applicants believe no fees in addition to the fee for the Request for Continued Examination (RCE) are due in connection with this response. However, the Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 50-0892.